

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**U.S. Bank Trust, N.A., as Trustee for LSF9  
Master Participation Trust**

**Plaintiff**

**vs.**

**Michael Altvater, Kinap M. Bassett, Lisa  
Boulley, Tammie Duncanson, Dennis  
Edwards aka Dennis Townsend, Valerie  
Hillman, Dawn Houle aka Dawn Hagan,  
Kody Townsend, Nathan Anctil and Matt  
Anctil**

**Defendants**

**Maine Bank & Trust Company  
JM Electric Inc.  
Department of the Treasury - Internal  
Revenue Service  
Maine Department of Labor  
Paul Miller dba UOARM**

**Parties-In-Interest**

**CIVIL ACTION NO:**

**COMPLAINT**

**RE:**

**46 Webbs Mills Road, Raymond, ME 04071**

**Mortgage:**

**August 23, 2005**

**Book 23085, Page 30**

**Cumberland County Registry of Deeds**

**Vacant Property**

NOW COMES the Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, by and through its attorneys, Doonan, Graves & Longoria, LLC, and hereby complains against the Defendants, Michael Altvater, Kinap M. Bassett, Lisa Boulley, Tammie Duncanson, Dennis Edwards aka Dennis Townsend, Valerie Hillman, Dawn Houle aka Dawn Hagan, Kody Townsend, Nathan Anctil and Matt Anctil, as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this action pursuant 28 U.S.C. § 1332(a)(1) (Diversity) because the Plaintiff and Defendants are citizens of different states and the matter in controversy exceeds the sum or value of seventy-five thousand and 00/100 (\$75,000.00)

dollars, exclusive of interest and costs. Any Court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought under 28 U.S.C. § 2201.

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) because the object of this litigation is a Note executed under seal currently owned and held by U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, in which, David M. Garry, is the obligor and the total amount owed under the terms of the Note is Three Hundred Seventy-Three Thousand Nine Hundred Sixty-Six and 60/100 (\$373,966.60) Dollars, plus attorney fees and costs associated with the instant action; thus, the amount in controversy exceeds the jurisdictional threshold of seventy-five thousand (\$75,000.00) dollars.
3. Venue is properly exercised pursuant to 28 U.S.C. §1391(b)(2) insofar as all or a substantial portion of the events that give rise to the Plaintiff's claims transpired in Maine and the property is located in Maine.

### PARTIES

4. U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust is a National Association with its principal place of business located at 300 East Delaware Avenue, 8<sup>th</sup> Floor, Wilmington, DE 19809.
5. The Defendant, Michael Altvater, is a resident of Pleasant Point, County of Washington and State of Maine and has a potential interest in the property under the intestacy statutes of Maine.
6. The Defendant, Matt Anctil, is a resident of Auburn, County of Androscoggin and State of Maine and has a potential interest in the property under the intestacy statutes of Maine.

7. The Defendant, Nathan Anctil, is a resident of Lisbon, County of Androscoggin and State of Maine and has a potential interest in the property under the intestacy statutes of Maine.
8. The Defendant, Kinap M. Bassett, is a resident of Portland, County of Cumberland and State of Maine and has a potential interest in the property under the intestacy statutes of Maine.
9. The Defendant, Lisa Bouley, is a resident of Lewiston, County of Androscoggin and State of Maine and has a potential interest in the property under the intestacy statutes of Maine.
10. The Defendant, Tammie Duncanson, is a resident of Windham, County of Cumberland and State of Maine and has a potential interest in the property under the intestacy statutes of Maine.
11. The Defendant, Dennis Edwards aka Dennis Townsend, is a resident of Norway, County of Oxford and State of Maine and has a potential interest in the property under the intestacy statutes of Maine.
12. The Defendant, Valerie Hillman, is a resident of Emden, County of Somerset and State of Maine and has a potential interest in the property under the intestacy statutes of Maine.
13. The Defendant, Dawn Houle aka Dawn Hagan, is a resident of Topsham, County of Washington and State of Maine and has a potential interest in the property under the intestacy statutes of Maine.
14. The Defendant, Kody Townsend, is a resident of Norway, County of Oxford and State of Maine and has a potential interest in the property under the intestacy statutes of Maine.
15. The Party-in-Interest, Department of the Treasury - Internal Revenue Service, is located at 1111 Constitution Avenue, NW, Washington, DC 20224.

16. The Party-in-Interest, JM Electric Inc., is located at 160 Presumpscot Street, Portland, ME 04103.
17. The Party-in-Interest, Maine Bank & Trust, is located at 467 Congress Street, Portland, ME 04101.
18. The Party-in-Interest, Maine Department of Labor, Bureau of Unemployment Compensation - Tax Division, is located at 45 Commerce Drive, Augusta, ME 04333.
19. The Party-in-Interest, Paul Miller dba UOARM, is located at 500 Congress Street, Portland, ME 04101.

### FACTS

20. On November 30, 1998, by virtue of a Warranty Deed from Margaret M. Johansen, which is recorded in the Cumberland County Registry of Deeds in **Book 14351, Page 240**, the property situated at 46 Webbs Mills Road, City/Town of Raymond, County of Cumberland, and State of Maine, was conveyed to David M. Garry, being more particularly described by the attached legal description. *See* Exhibit A (a true and correct copy of the legal description is attached hereto and incorporated herein).
21. On August 23, 2005, David M. Garry, executed and delivered to Taylor, Bean & Whitaker Mortgage Corp. a certain Note under seal in the amount of \$240,000.00. *See* Exhibit B (a true and correct copy of the Note is attached hereto and incorporated herein).
22. To secure said Note, on August 23, 2005, David M. Garry, executed a Mortgage Deed in favor of Mortgage Electronic Registration Systems Inc. as nominee for Taylor, Bean & Whitaker Mortgage Corp. its successors and assigns, securing the property located at 46 Webbs Mills Road, Raymond, ME 04071 which Mortgage Deed is recorded in the Cumberland County Registry of Deeds in **Book 23085, Page 30**. *See* Exhibit C (a true and correct copy of the Mortgage is attached hereto and incorporated herein).

23. The Mortgage was then assigned to Cenlar FSB by virtue of an Assignment of Mortgage dated May 19, 2012, and recorded in the Cumberland County Registry of Deeds in **Book 29662, Page 296**. *See* Exhibit D (a true and correct copy of the Assignment of Mortgage is attached hereto and incorporated herein).
24. The Mortgage was then assigned to Nationstar Mortgage LLC by virtue of an Assignment of Mortgage dated September 16, 2015, and recorded in the Cumberland County Registry of Deeds in **Book 32660, Page 149**. *See* Exhibit E (a true and correct copy of the Assignment of Mortgage is attached hereto and incorporated herein).
25. Upon information and belief David M. Garry died on October 5, 2015.
26. The Mortgage was further assigned to Nationstar Mortgage LLC by virtue of a Quitclaim Assignment dated July 29, 2016 and recorded in the Cumberland County Registry of Deeds in **Book 33356, Page 229**. *See* Exhibit F (a true and correct copy of the Quitclaim Assignment is attached hereto and incorporated herein).
27. Upon information and belief David M. Garry's wife, Margaret M. Garry, died on July 8, 2017.
28. The Mortgage was then assigned to U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust by virtue of an Assignment of Mortgage dated November 13, 2017, and recorded in the Cumberland County Registry of Deeds in **Book 34464, Page 95**. *See* Exhibit G (a true and correct copy of the Assignment of Mortgage is attached hereto and incorporated herein).
29. Upon information and belief, Margaret M. Garry's heir, Timothy R. Townsend, died on August 5, 2021.

30. On June 29, 2017, a Notice of Mortgagor's Right to Cure, (herein after referred to as the "Demand Letter") was sent to David M. Garry at the subject property. *See* Exhibit H (a true and correct copy of the Demand Letter is attached hereto and incorporated herein).
31. The Demand Letter informed David M. Garry of the payment due date, the total amount necessary to cure the default, and the deadline by which the default must be cured, which was thirty-five (35) days from receipt of the Demand Letter. *See* Exhibit H.
32. Pursuant to 14 M.R.S.A. § 6111 a Notice of Right to Cure Letter was not required because the property is vacant. *See* Exhibit H (a true and correct copy of photographs from Northsight Management are attached hereto and incorporated herein).
33. The Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, is the present holder of the Note pursuant to endorsement by the previous holder (if applicable), payment of value and physical possession of the Note in conformity with 11 M.R.S. § 3-1201, et seq., and *Simansky v. Clark*, 147 A. 205, 128 Me. 280 (1929).
34. The Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, is the lawful holder and owner of the Note and Mortgage.
35. The Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, hereby certifies that all steps mandated by law to provide notice to the mortgagor pursuant to 14 M.R.S.A. § 6111 and/or Note and Mortgage were strictly performed if required.
36. Maine Bank & Trust Company is a Party-in-Interest pursuant to a Short Form Mortgage Deed in the amount of \$320,000.00 dated December 31, 2008, and recorded in the Cumberland County Registry of Deeds in **Book 26526, Page 327** and is in second position behind Plaintiff's Mortgage.
37. JM Electric Inc. is a Party-in-Interest pursuant to a Mechanic's Lien in the amount of \$1,650.00 dated July 25, 2016, and recorded in the Cumberland County Registry of Deeds in **Book 33305, Page 244** and is in third position behind Plaintiff's Mortgage.

38. Department of the Treasury - Internal Revenue Service is a Party-in-Interest pursuant to a Notice of Federal Tax Lien in the amount of \$77,086.65 dated December 8, 2017, and recorded in the Cumberland County Registry of Deeds in **Book 34541, Page 217** and is in fourth position behind Plaintiff's Mortgage.
39. Maine Department of Labor is a Party-in-Interest pursuant to a Notice of Tax Lien in the amount of \$8,227.11 dated December 13, 2019, and recorded in the Cumberland County Registry of Deeds in **Book 36279, Page 157** and is in fifth position behind Plaintiff's Mortgage.
40. Paul Miller dba UOARM is a Party-in-Interest pursuant to a Notice of State Lien in the amount of \$1.00 dated November 25, 2018, and recorded in the Cumberland County Registry of Deeds in **Book 35380, Page 45** and is in sixth position behind Plaintiff's Mortgage.
41. The total debt owed under the Note and Mortgage as of March 10, 2023 is Three Hundred Seventy-Three Thousand Nine Hundred Sixty-Six and 60/100 (\$373,966.60) Dollars, which includes:

Description	Amount
Principal Balance	\$192,766.26
Interest	\$97,426.15
Escrow Advance	\$56,636.19
Recoverable Corporate Advance Balance	\$27,138.00
Grand Total	\$373,966.60

42. Upon information and belief, the Defendants, Michael Altvater, Kinap M. Bassett, Lisa Bouley, Tammie Duncanson, Dennis Edwards aka Dennis Townsend, Valerie Hillman, Dawn Houle aka Dawn Hagan, Kody Townsend, Nathan Anctil and Matt Anctil, are not presently in possession of the subject property originally secured by the Mortgage.

## COUNT I – FORECLOSURE AND SALE

43. The Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, repeats and re-alleges paragraphs 1 through 42 as if fully set forth herein.
44. This is an action for foreclosure and sale respecting a real estate related Mortgage and title located at 46 Webbs Mills Road, Raymond, County of Cumberland, and State of Maine. *See* Exhibit A.
45. The Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, is the holder of the Note referenced in Paragraph 22 pursuant to endorsement by the previous holder (if applicable) and physical possession of the aforesaid Note in conformity with Title 11, section 3-1201, et seq. of the Maine Revised Statutes and *Simansky v. Clark*, 147 A. 205, 128 Me. 280 (1929).
46. As such, Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, has the right to foreclosure and sale upon the subject property. *See Johnson v. Toothaker v. Bayview Loan Servicing, LLC*, 2022 WL 3278883 JDL (D. Me 2022), citing *Johnson v. Home State Bank*, 501 U.S. 78, 84 (1991).
47. The Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, is the current owner and investor of the aforesaid Mortgage and Note.
48. The Defendants, Michael Altvater, Kinap M. Bassett, Lisa Boulley, Tammie Duncanson, Dennis Edwards aka Dennis Townsend, Valerie Hillman, Dawn Houle aka Dawn Hagan, Kody Townsend, Nathan Anctil and Matt Anctil, are presently in default on said Mortgage and Note, having failed to make the monthly payment due February 1, 2014, and all subsequent payments, and, therefore, have breached the condition of the aforesaid Mortgage and Note.



49. The total debt owed under the Note and Mortgage as of March 10, 2023 is Three Hundred Seventy-Three Thousand Nine Hundred Sixty-Six and 60/100 (\$373,966.60) Dollars.

50. The record established through the Cumberland County Registry of Deeds indicates that there are no public utility easements recorded subsequent to the Mortgage and prior to the commencement of these proceedings affecting the mortgaged premises at issue herein.

51. By virtue of the Defendants, Michael Altvater, Kinap M. Bassett, Lisa Boulley, Tammie Duncanson, Dennis Edwards aka Dennis Townsend, Valerie Hillman, Dawn Houle aka Dawn Hagan, Kody Townsend, Nathan Anctil and Matt Anctil, breach of condition, the Plaintiff hereby demands a foreclosure and sale on said real estate. **This action does not seek any personal liability on the part of the Defendants, Michael Altvater, Kinap M. Bassett, Lisa Boulley, Tammie Duncanson, Dennis Edwards aka Dennis Townsend, Valerie Hillman, Dawn Houle aka Dawn Hagan, Kody Townsend, Nathan Anctil and Matt Anctil, but only seeks *in rem* judgment against the property.**

52. The Defendants, Michael Altvater, Kinap M. Bassett, Lisa Boulley, Tammie Duncanson, Dennis Edwards aka Dennis Townsend, Valerie Hillman, Dawn Houle aka Dawn Hagan, Kody Townsend, Nathan Anctil and Matt Anctil, are not in the Military as evidenced by the attached Exhibit I.

53. If the Defendants have received a Bankruptcy Discharge of this Debt, the Court should enter an Order finding that this action does not seek any personal liability on the part of the Defendant, but only seeks *in rem* judgment against the property.

### PRAYERS FOR RELIEF

WHEREFORE, the Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, prays this Honorable Court:

- a) Issue a judgment of foreclosure and sale in conformity with Title 14 § 6322; this action does not seek any personal liability on the part of the Defendants, but only seeks *in rem* judgment against the property;
- b) Grant possession to the Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, upon the expiration of the period of redemption;
- c) Find that the Defendants, Michael Altvater, Kinap M. Bassett, Lisa Bouley, Tammie Duncanson, Dennis Edwards aka Dennis Townsend, Valerie Hillman, Dawn Houle aka Dawn Hagan, Kody Townsend, Nathan Anctil and Matt Anctil are in breach of the Mortgage by failing to make payment due as of February 1, 2014, and all subsequent payments;
- d) Find that the, David M. Garry, entered into a contract for a sum certain in exchange for a security interest in the subject property;
- e) Find that the Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, is entitled to enforce the terms and conditions of the Note and Mortgage;
- f) Find that the Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, is entitled to restitution for this benefit from the Defendants.
- g) Determine the amount due on said Mortgage and Note, including principal, interest, reasonable attorney's fees and court costs;
- h) Find that while the Defendants, Michael Altvater, Kinap M. Bassett, Lisa Bouley, Tammie Duncanson, Dennis Edwards aka Dennis Townsend, Valerie Hillman, Dawn Houle aka Dawn Hagan, Kody Townsend, Nathan Anctil and Matt Anctil, have no personal liability in this matter, a Judgment of Foreclosure and Sale in this matter can be imposed *in rem* against the property commonly known as and numbered as 46 Webbs Mills Road, Raymond, ME 04071;

- i) For such other and further relief as this Honorable Court deems just and equitable.

Respectfully Submitted,  
U.S. Bank Trust, N.A., as Trustee for LSF9  
Master Participation Trust,  
By its attorneys,

Dated: April 21, 2023

/s/Reneau J. Longoria, Esq.  
Reneau J. Longoria, Esq. Bar No. 005746  
Attorney for Plaintiff  
Doonan, Graves & Longoria, LLC  
100 Cummings Center, Suite 303C  
Beverly, MA 01915  
(978) 921-2670  
RJL@dgandl.com